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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/726,070

11/29/2000

Morris Humphreys

NC25565

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12/31/2003

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EXAMINER

MILORD, MARCEAU

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 12/31/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,070

Applicant(s)

HUMPHREYS ET AL.

Examiner

Marceau Milord

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirola et al (US Patent No 6415138 B2) in view of Braund (US Patent No 6373942 B1) and Tyneski et al (US Patent No 5584054).

Regarding claims 1-3, Sirola et al discloses a flexible cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) having a lens portion, said lens portion having a lens perimeter, and wherein said mobile station (1 of figs. 1-2) has at least one button portion (3b-3d of fig. 2) comprising: a front surface having a translucent portion (col. 3, lines 10- 52; col. 4, lines 34- 60) said translucent portion being capable of mounting over at least one button portion (col. 59- col. 4, line 15; col. 5, lines 44- 67).

However, Sirola et al does not specifically disclose the feature of at least one strap; and at least one rim wherein the rim may be stretched to hold the lens portion.

On the other hand, Braund, from the same field of endeavor, shows in figure 6, a cellular telephone device that includes the use of a microchip having sufficient memory and voice recognition circuitry located on the printed circuit board such that dialing instruction and other commands could be provided to the hands-free cellular telephone portion of microchip.

Furthermore, this device also includes a second flexible planar member 60a such that the

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electronic components 100 and 102 and both surfaces of the printed circuit 62 are covered and protected (col. 3, line 31- col. 4, line 29; col. 7, lines 6- 56; col. 9, line 8- col. 10, line 67).

Tyneski et al also discloses a handset 100, which includes a housing 102 and a flap, or front cover, 104 coupled to the housing through a hinge 106. Also included on the inside flap 104 is a bumper 208 that sets the keys 108 and their associated pressure surfaces 204 a predetermined distance away from the surface of the lens 202 when the flag 104 is in the closed position (figs. 1-2; col. 1, lines 45- 66; col. 2, lines 9-36). Furthermore, the bumper helps prevent false keys presses and also helps protects the lens 202 against breakages and scratches (col. 2, lines 38- 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Tyneski to the modified system of Braund and Sirola in order to make the use of a wireless communication device, such as a mobile phone, more effective and, at the same time, more simple.

Regarding claims 4 and 5, Sirola as applied to claim 1 above differs from claims 4 and 5 in that Sirola and Braund fail to disclose one strap that comprises two straps; and a strap broad side that is contiguous with a surrounding surface of the at least one rim.

However, Tyneski et al discloses a handset 100, which includes a housing 102 and a flap, or front cover, 104 coupled to the housing through a hinge 106. Also included on the inside flap 104 is a bumper 208 that sets the keys 108 and their associated pressure surfaces 204 a predetermined distance away from the surface of the lens 202 when the flag 104 is in the closed position (figs. 1-2; col. 1, lines 45- 66; col. 2, lines 9-36). Furthermore, the bumper helps prevent false keys presses and also helps protects the lens 202 against breakages and scratches (col. 2, lines 38- 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to apply the technique of Tyneski to the modified system of Sirola and Braund in order to make the use of a wireless communication device, such as a mobile phone, more effective and, at the same time, more simple.

Regarding claims 6 and 7, Sirola and Braund as applied to claim 1 above differ from claims 6 and 7 in that Sirola and Braund fail to disclose a bumper near the rim at one extremity.

However, Tyneski et al discloses a handset 100, which includes a housing 102 and a flap, or front cover, 104 coupled to the housing through a hinge 106. Also included on the inside flap 104 is a bumper 208 that sets the keys 108 and their associated pressure surfaces 204 a predetermined distance away from the surface of the lens 202 when the flag 104 is in the closed position (figs. 1-2; col. 1, lines 45- 66; col. 2, lines 9-36). Furthermore, the bumper helps prevent false keys presses and also helps protects the lens 202 against breakages and scratches (col. 2, lines 38- 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Tyneski to the modified system of Sirola and Braund in order to make the use of a wireless communication device, such as a mobile phone, more effective and, at the same time, more simple.

Regarding claim 8, Sirola et al as modified discloses a flexible cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) wherein the translucent portion has at least one symbol (col. 4, lines 52- 67).

Claim Rejections - 35 USC § 103

2. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirola et al (US Patent No 6415138 B2) in view of Feilner et al (US Patent No 6463263 B1).

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Regarding claim 9, Sirola et al discloses a semi-rigid cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) having a display (3 of fig. 2; col. 3, lines 15- 52) comprising: a transparent lens supported over the display (col. 4, lines 35- 67).

However, Sirola et al does not specifically disclose the feature of one key-dome switch comprising: at least one lever arm supporting at least one key-top over said at least one key-dome; at least one fastening means.

On the other hand, Feilner et al, from the same field of endeavor, discloses a communication station including a power supply unit, a core unit connectable to a power supply and a shell unit, wherein the core unit comprises an electronic circuit board including a keypad unit (col. 4, lines 29- 44). The keypad unit 14' of the core unit 1 is constituted by a dome foil 14 as a push-button switch array or a flexible board with switches. A part of the switches of the keypad is formed by so-called domes of the dome foil, wherein a contact is provided on the lower surface of the dome foil and wherein this contact short-circuits the conductor pattern provided as part of the switches on the electronic circuit board (figs. 2- 6; col. 7, lines 30- 60; col. 8, lines 26- 63; lines 14- 60; col. 11, lines 7- 16; col. 11, line 47- col. 12, line 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Feilner to the system of Sirola in order to provide a communication station which has a structure which allows a flexible variation of its outer appearance and which can be manufactured easily and cost effectively.

Regarding claim 10, Sirola et al as modified discloses a semi-rigid cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) wherein the transparent lens is elevated from a surrounding surface (col. 5, lines 19- 67).

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Regarding claim 11, Sirola et al as modified discloses a semi-rigid cover (4 of figs. 1-2) for a mobile station (1 of figs. 1-2) wherein the transparent lens has at least one wall having an acute angle with the surrounding surface (col. 5, lines 57- col. 6, line 43).

Regarding claim 12, Sirola et al discloses a button configuration for a mobile station (figs. 1-2) comprising: a substantially flat elastomeric sheet extending over the key-top (col. 3, line 31- col. 4, line 10; col. 5, lines 1- 64).

However, Sirola et al does not specifically disclose the feature of a key-dome switch; a key-top supported over the key-dome switch.

On the other hand, Feilner et al, from the same field of endeavor, discloses a communication station including a power supply unit, a core unit connectable to a power supply and a shell unit, wherein the core unit comprises an electronic circuit board including a keypad unit (col. 4, lines 29- 44). The keypad unit 14' of the core unit 1 is constituted by a dome foil 14 as a push-button switch array or a flexible board with switches A part of the switches of the keypad is formed by so-called domes of the dome foil, wherein a contact is provided on the lower surface of the dome foil and wherein this contact short-circuits the conductor pattern provided as part of the switches on the electronic circuit board (figs. 2- 6; col. 7, lines 30- 60; col. 8, lines 26- 63; lines 14- 60; col. 11, lines 7- 16; col. 11, line 47- col. 12, line 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Feilner to the system of Sirola in order to provide a communication station which has a structure which allows a flexible variation of its outer appearance and which can be manufactured easily and cost effectively.

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Regarding claims 13-16, Sirola et al as applied to claim 12 above differs from claims 13, 14, 15, 16 in that fails to disclose a key-top that is supported by a lever arm and a clear lever arm; and a common material that has a means for fastening to a printed circuit board.

However, Feilner et al discloses a communication station including a power supply unit, a core unit connectable to a power supply and a shell unit, wherein the core unit comprises an electronic circuit board including a keypad unit (col. 4, lines 29- 44). The keypad unit 14' of the core unit 1 is constituted by a dome foil 14 as a push-button switch array or a flexible board with switches. A part of the switches of the keypad is formed by so-called domes of the dome foil, wherein a contact is provided on the lower surface of the dome foil and wherein this contact short-circuits the conductor pattern provided as part of the switches on the electronic circuit board (figs. 2- 6; col. 7, lines 30- 60; col. 8, lines 26- 63; lines 14- 60; col. 11, lines 7- 16; col. 11, line 47- col. 12, line 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Feilner to the system of Sirola in order to provide a communication station which has a structure which allows a flexible variation of its outer appearance and which can be manufactured easily and cost effectively.

Regarding claim 17, Sirola et al as modified discloses a button configuration for a mobile station (figs. 1-2) wherein the substantially flat elastomeric sheet has a tactile cue (col. 5, lines 30- 64; col. 6, lines 32- 64).

Claim 18 contains similar limitations addressed in claims 12, 13 and 14, and therefore is rejected under a similar rationale.

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Regarding claim 19, Sirola et al as modified discloses a button configuration for a mobile station (figs. 1-2) wherein the substantially flat elastomeric sheet has a symbol (col. 4, lines 35-67).

Response to Arguments

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


MARCEAU MILORD

Marceau Milord
Examiner
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